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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,868	04/05/2000	David Hornstein	11642-005001	6375

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EXAMINER

CHARLES, DEBRA F

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 08/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/543,868

Applicant(s)

HORNSTEIN, DAVID

Examiner

Debra F. Charles

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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Claims 1-15 have been examined.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1,4-9,13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Danish et al. (US 5983219).

As per claim 1, Danish et al. disclose a method for selecting products that occurs over a networked computer system comprises:  
sending a user a web page that contains questions that request preferences for scales that correspond to aesthetic features of products:  
receiving from a user, a set of responses from the questions that correspond to aesthetic features of products, to produce a profile preferences for scales that correspond to aesthetic features of products(Danish et al., Abstract, Col. 2, Lines 15-25, Col. 3, Lines 55-67, Col. 5, Lines 20-67, Col. 6, Lines 30-67, Col. 9, Lines 1-25, Col. 11, Lines 1-25, Col. 12, Lines 35-60, Col. 14, Lines 49-67, Col. 15, Lines 20-50, Col. 16, Lines 20-45, Col. 17, Lines 25-45, Col. 19, Lines 1-50).

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As per claim 4, Danish et al. disclose the method of claim 1 wherein the user is presented with a graphical user interface that contains questions that illicit the information from the user(Danish et al., Abstract, Col. 7,8, Fig. 4,7 and 31).

As per claim 5, Danish et al. disclose the method of claim 1 wherein the user is present with a graphical user interface that is a web page(Danish et al., Abstract, Col. 7,8, Fig. 4,7 and 31).

As per claim 6, Danish et al. disclose the method of claim 5 wherein web page includes a control for the user to enter a value corresponding to how the user rates the importance of the scale(Danish et al., Abstract, Col. 3, Lines 25-67, Col. 13, Lines 55-67, Col. 7,8, Fig. 4,7 and 31).

As per claim 7, Danish et al. disclose the method of claim 5 wherein the web page includes a control that when selected by the user displays a picture of an item that embodies the scale(Danish et al., Abstract, Col. 2, Col. 3, Lines 25-67, Col. 13, Lines 55-67, Col. 7,8, Fig. 4,7 and 31).

As per claim 8, Danish et al. disclose the method of claim 5 wherein the web page includes a description of each of the scales(Danish et al., Abstract, Col. 2, Col. 3, Lines 25-67, Col. 13, Lines 55-67, Col. 7,8, Fig. 4,7 and 31).

As per claim 9, Danish et al. disclose the method of claim 5 wherein the web page includes a first control for the user to enter a value corresponding to how the user rates the importance of the scale; a second control that when selected by the user displays a picture of an item that embodies the scale, and a description of each of the scales(Danish et al., Abstract, Col. 2, Col. 3, Lines 25-67, Col. 13, Lines 55-67, Col. 7,8, Fig. 4,7 and 31).

As per claim 13, Danish et al. disclose a computer program product for selecting products, said computer program product residing on a computer readable medium comprises instructions for causing a computer to:  
receive from a user responses for preferences for scales that correspond to aesthetic features of products, wherein the computer program product produces a graphical user interface that contains questions that illicit the information from the user(Danish et al., Abstract, Col. 7,8, Fig. 4,7 and 31, Col. 2, Lines 15-25, Col. 3, Lines 55-67, Col. 5, Lines 20-67, Col. 6, Lines 30-67, Col. 9, Lines 1-25, Col. 11, Lines 1-25, Col. 12, Lines 35-60, Col. 14, Lines 49-67, Col. 15, Lines 20-50, Col. 16, Lines 20-45, Col. 17, Lines 25-45, Col. 19, Lines 1-50).

As per claim 15, Danish et al. disclose the system for selecting products, said system comprising:  
a computer;

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a computer program product residing on a computer readable medium comprises instructions for causing a computer to: receive from a user responses for preferences for scales that correspond to aesthetic features of products, wherein the computer program product produces a graphical user interface that contains questions that illicit the information from the user(Danish et al., Abstract, Col. 7,8, Fig. 4,7 and 31, Col. 2, Lines 15-25, Col. 3, Lines 55-67, Col. 5, Lines 20-67, Col. 6, Lines 30-67, Col. 9, Lines 1-25, Col. 11, Lines 1-25, Col. 12, Lines 35-60, Col. 14, Lines 49-67, Col. 15, Lines 20-50, Col. 16, Lines 20-45, Col. 17, Lines 25-45, Col. 19, Lines 1-50).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2,3,10,11,12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danish et al.

As per claim 2, Danish et al. disclose the method of claim 1 further comprising: compiling an aesthetic profile tag for the user based on the received responses for the preferences for the scales(Danish et al., Abstract, Col. 3, Lines 25-67, Col. 13, Lines 55-67).

As per claim 3, Danish et al. disclose the method of claim 1 further comprising: retrieving a product aesthetic tag associated with a particular product type selected by the user, the product aesthetic tag representing aesthetic features of the product; forming a result tag that contains a value corresponding to how well aesthetic features of the product match to aesthetic preferences of the customer(Danish et al., Abstract, Col. 3, Lines 25-67, Col. 13, Lines 55-67).

As per claim 10, Danish et al. disclose a method of producing an aesthetic profile tag for a user comprises: entering preferences in a plurality of attribute scales, said attribute scales providing textual indications of aesthetic features preferred by a user(Danish et al., Abstract, Col. 3, Lines 25-67, Col. 13, Lines 55-67).

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As per claim 14, Danish et al. disclose the computer program product of claim 13 further comprising instructions to:

compile an aesthetic profile tag for the user based on the received responses for the scales(Danish et al., Abstract, Col. 3, Lines 25-67, Col. 13, Lines 55-67).

As per claims 2,3,10, and 14, official notice is taken that an aesthetic profile tag is a database data item attribute tag that is an old and well-known type of database characteristic for identifying and describing data in the computer database art. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention implement Danish et al.'s method and system with tags, whether they are called tags, attributes or characteristics, in order to associate correct customer preferences with customer selected item characteristics.

As per claim 11, Danish et al. disclose the method of claim 10 wherein the aesthetic features include at least one of form, material, decoration, overall appearance, and novelty(Danish et al., Abstract, Col. 3, Lines 25-67, Col. 13, Lines 55-67).

As per claim 12, Danish et al. disclose the method of claim 10 wherein each scale is further divided into three levels(Danish et al., Abstract, Col. 3, Lines 25-67, Col. 13, Lines 55-67).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Allsop et al., Performing Electronic Commerce on the Internet Providing Links from Product Manufacturers to Authorized Dealers where the Authorized Dealer Provides a Customer Order Interface for the Manufacturer's Products.

Newman et al., Customer Indica Storage and Utilization System.

Fredlund et al., Method of Combining Two Digital Images.

Jacobi et al., Use of Electronic Shopping Carts to Generate Personal Recommendations.

Oberg, Computerized System for Selecting, Adjusting, and Selecting, Adjusting, and Previewing Framing Product Combinations for Artwork and Other Items to be Framed.

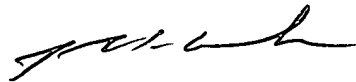
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Debra F. Charles  
Examiner  
Art Unit 3629

dfc  
August 7, 2002



**JOHN G. WEISS**  
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